

**COMMONWEALTH OF MASSACHUSETTS
SPECIAL EDUCATION APPEALS**

In Re: Quincy Public Schools

BSEA #1301349

DECISION

This decision is issued pursuant to the Individuals with Disabilities Education Act (“IDEA”), 20 USC Sec. 1400 et seq., Section 504 of the Rehabilitation Act of 1973 (29 USC Sec. 794); the Massachusetts special education statute or “Chapter 766,” (MGL c. 71B) and the Massachusetts Administrative Procedures Act (MGL c. 30A), as well as the regulations promulgated under these statutes.

On August 27, 2012, Parents filed a hearing request with the Bureau of Special Education Appeals (BSEA) alleging that the Quincy Public Schools (Quincy or School) had failed to provide the Student, who was to turn 22 in April 2013, with appropriate transition services. In their hearing request, Parents asked the BSEA to order Quincy to provide Student with services after his 22nd birthday to compensate him for the allegedly inappropriate and inadequate transition services provided during his period of eligibility for special education. At the request of the parties, the hearing was postponed on several occasions for good cause and to allow the parties to attempt resolution of this matter. A pre-hearing conference was held on October 3, 2012 and numerous conference calls were held to clarify and refine issues. The parties’ attempts at resolution—including a facilitated IEP (FIEP) meeting with a facilitator from the BSEA-- did not succeed, and a hearing took place on the following dates: January 30, March 18, 19, 20, and 26, and April 4, 5, and 12, 2013.¹

By agreement of the parties, the hearing took place at the office of the School’s counsel in Quincy, Massachusetts. Parents represented themselves and the Student pro se. The School was represented by counsel. Each party had an opportunity to examine and cross-examine witnesses and submit documents into the record. The record consists of Parents’ exhibits P-1 through P- 190, School’s exhibits S-1 through S-119 , and tape recorded testimony and argument. At the parties’ request, the conclusion of the hearing was postponed to May 10, 2013 for submission of written closing arguments. The school filed an objection to the Parents’ brief, and Parents responded thereto on, respectively May 17 and 20, 2013 and the record closed on May 20, 2013.

Those present for all or part of the proceeding were:

Parents

Student

Judith Todd

Director of Special Education, Quincy Public Schools

¹ The separation in dates was in part due to illnesses of parties, and subsequent difficulties in rescheduling. Some hearing dates were partial days.

Sylvia Pattavina	Liaison, Quincy Public Schools
Helena Skinner	Guidance Counselor, Quincy Public Schools
Eloise Papile	Special Educator, Quincy Public Schools
Jason Dorrance	South Coast Education Collaborative (SCEC), Vocational Training Center (VTC) Principal
Michael Novick	SCEC Administrator
Lisa Fournier	SCEC/VTC
Stacy Gonsalves	SCEC/VTC
Maria Bairos	Job Coach. SCEC/VTC
Sheila McGhee	Student's former aide, SCEC/VTC
Ms. Bosse	Teacher, VTC
Donna LaBrotteria	Family friend/former advocate
Katherine Ciampoli, Esq.	Counsel for Quincy Public Schools

ISSUES PRESENTED

The issue for hearing was the following:

Whether the Quincy Public Schools provided the Student with appropriate transitional assessments and services during the time period from November 29, 2010 to April 22, 2013² and, if not, whether the Student is entitled to compensatory services.

POSITION OF PARENTS

Student has a complex and unusual profile. Specifically, Student has autism with significant social, language and communication deficits, and an intellectual disability. At the same time, he has strong talents and interests in several areas, including art (specifically, drawing) and computer use. While the Parents believe that Student will continue to need outside assistance and support throughout his adult life, they also believe that he is entitled to develop, and is capable of developing, marketable vocational skills in his areas of talent and interest, namely graphic arts and computer data entry. The Quincy Public Schools has failed to provide the Student with the transitional assessments and services needed to support him in developing prevocational and vocational skills that can lead to meaningful and reasonably well-paying supported employment in the community.

POSITION OF SCHOOL

At all relevant times, the Quincy Public Schools has provided the Student with appropriate transition assessments and services, including placement in a collaborative that afforded Student extensive opportunities for vocational exploration, pre-vocational

² This time period encompasses two partially-rejected IEPs (November 29, 2010 to March 18, 2011; March 18, 2011 to December 23, 2012) and one fully-rejected IEP (December 23, 2012 to April 22, 2013). Parent also made allegations about prior time periods within the statute of limitations; however, fully-accepted IEPs were in effect until November 29, 2010 such that any relief would be precluded.

skill development, and community job placement. Parents have been active, knowledgeable, and collaborative participants in developing Student's IEPs and services, which were adequate and appropriate. Indeed, Parents have fully accepted Student's IEPs, which have included transition services, until November 2010, and some of Parents' dissatisfaction relates to periods during which IEPs had been fully accepted. Parents have produced no credible evidence that Quincy should have provided the Student with anything other than what they did provide during the period in question.

FINDINGS OF FACT

1. Student is a young man who lives in Quincy with his parents (Parents). Student turned 22 years of age in April 2013. Parents are Student's legal guardians.
2. Student's profile is not in dispute. Student has significant strengths in math, strong visual skills, and is talented in art. He has computer skills; he is proficient at creating documents in Microsoft Word by cutting and pasting, he can type well, can search for pictures on the Internet and insert Internet pictures into Word documents. He has an excellent rote memory and can memorize and perform a series of tasks quickly. (S-25)
3. On the other hand, Student has undisputed, significant, well-documented developmental disabilities which include autism, with accompanying deficits in cognitive, social and communication skills. Cognitive testing completed in 2009 showed Student to have significant disparities between his "Extremely Low" Verbal Comprehension Index and his "Superior" Perceptual Comprehension Index score. (S-75)
4. Student has significant delays in verbal processing, working memory, and abstract reasoning. There is no dispute that Student's functioning is compromised by auditory and visual distractibility, impulsivity, diminished safety awareness, difficulty with transitions and changes in routine, difficulty in perceiving others' point of view, sensory and tendency to perseverate. (P-60) Student requires constant supervision at home and in the community, and support with many activities of daily living (hygiene, cooking, laundry, etc.) He can become agitated and has lashed out physically when redirected, asked to perform a non-preferred activity, or when other students are noisy or disruptive. (P-13, P-60, S-16, S-25) Student can be calmed if he is taken to a quiet area, and given models of alternative behavior. (S-25)
5. To function best, Student requires a structured environment with immediate 1:1 support, clear and consistent rules and consequences, strong adult and peer models, and a consistent daily schedule. Spoken language should be direct, simple, clear, and paired with visual supports. (S-25, 118, testimony of Mother).
6. Student has received special education services from Quincy since age 3. For most of his school career, Student was fully or nearly fully mainstreamed with support from paraprofessionals and inclusion specialists, as well as the close collaboration

of Parents. (Mother, Papile) With the support of Parents, family friends, and School staff, Student also has participated in school extracurricular programs (e.g., the middle school drama club) and numerous activities in the community. (Mother, LaGrotteria)

7. After completing elementary and middle school, beginning in the fall of 2006, Student attended North Quincy High School. (Mother, Papile) There, Student was fully included in general education classes with the help of an inclusion specialist and a 1:1 paraprofessional until the 2009-2010 school year when he was placed in an Intensive Special Needs Class (ISNC) for part of the school day (preparation for the science MCAS). Overall, Student did well academically at NQHS with accommodations, modifications, supports and related services, although his peer interactions and social participation were limited. (Papile, Skinner, Mother, S-76 – S-81)
8. Student's IEP for December 2007 to December 2008 contained a Transition Planning Form (TPF), which indicated Student's post-secondary vision (at that time, to attend college), and disability-related needs (training in social and independent living skills). The "Action Plan" portion of the TPF was not completed. Parents fully accepted this IEP. (S-84)
9. The subsequent IEP, covering December 2008 – December 2009, included a similar TPF, this time with the "Action Plan" indicating that Student should continue in the core curriculum in preparation for college, and gain work experience by alphabetizing documents in the guidance office. Parents fully accepted this IEP as well. (S-83)
10. In September of 2009, Quincy made a Chapter 688 referral for Student, choosing the Division of Developmental Services (DDS) as lead agency. (S-42, Papile) DDS found Student to be ineligible for its services however, and, the Massachusetts Rehabilitation Commission (MRC) became the lead agency for Student's adult services.³ (Mother, Pattavina)
11. By approximately April 2010, Parents felt that in light of Student's disabilities, the focus of Student's education needed to shift from academic to functional instruction. Specifically, they felt that he needed specialized instruction in self-care, socialization, and independent living, as well as vocational training to enable him to function as independently as possible in the community as an adult. Particularly in light of Student's talents in drawing and computer use, Parents hoped that Student could receive vocational training in these areas and ultimately find employment in data entry or graphic arts. (Mother, Papile, S-118)
12. The Team met in April 2010 after Student's 3-year evaluation. The resulting IEP, covering April 2010 to April 2011, called for continued placement at North Quincy High School. It appears that the Team's understanding was that Student probably

³ Parents have appealed the determination of ineligibility, and are awaiting a decision from the Superior Court. (Mother)

would be moving on to a functional/vocational setting for the following school year, but that goals and objectives should be established immediately while the parties explored placement. The parties agreed that the IEP could be amended after Student had moved to a new placement. (S-70; Papile, Mother)

13. This IEP, with another TPF attached, also was fully accepted by the Parents in May 2010. The Vision Statement in this TPF indicated that Student still wished to attend college; Parents wished Student to continue pursuing his interest in drawing and possibly find employment in data entry. The section entitled Disability Related Needs stated that Student was enrolled in high school courses necessary for a competency determination,⁴ and that Student required close monitoring, constant supervision, and modified classroom instruction. (S-70)
14. The Action Plan section of the TPF referred to above stated in "Instruction:" that Student needed visual cues and social stories for effective communication; that his "need for constant supervision and continued concerns...around safety limits the classes available that will assist him in developing his artistic ability." The Action plan further stated that Student would benefit from a program that would provide job skills or "a readiness program specific to his learning needs," as well as programming to support progress to "independent living...self-determination, self-esteem and social skills." (S-70)
15. The TPF was developed with input from Student, Parents, and providers. The Parents and School agreed that Student should have social skills and vocational assessments as part of the transition process, but also agreed to defer these assessments until after the anticipated placement change in the fall of 2010. (S-63, P-166, Mother, Papile)
16. The School and Parents investigated possible placements for the 2010-2011 school year. Ultimately, the parties agreed to place Student at the Vocational Training Center (VTC), which is operated by the South Coast Educational Collaborative (SCEC). Student began attending the VTC in September 2010⁵ pursuant to an IEP amendment accepted by Parents on September 7, 2010. (Mother, Papile, Novick)
17. Located in Seekonk at two high school buildings and various community settings, , the VTC is a "school-to-career transition program providing educational services to high school age students with special needs." (Dorrance, S-91) The stated mission of the VTC is to "prepare students for careers and independent life." (S-92) The VTC's approach is to "identif[y] student strengths and interests and build upon those strengths through a system of positive behavioral supports." (S-92)
18. VTC operates for 220 days per year, approximately 6 hours per day. The program provides students with functional academics, life-skills instruction, vocational exploration, and work experience, both in-house and in community settings. VTC also provides related services, including counseling, occupational, physical, and

⁴ Student could not earn a diploma because he had not met MCAS requirements. (S-70)

⁵ Student received a "certificate of attainment" from NQHS but not a diploma. (Papile)

speech therapies. Information about a student's interests, aptitudes and needs, as well as assessment of his or her progress, is gathered on an ongoing basis by teachers, job coaches, employers, parents and the student. (Dorrance, S-91)

19. At the time in question, VTC's director was Michael Novick, who holds a doctorate in special education and who was director of VTC for 25 years. Mr. Novick developed transition programming for VTC during his tenure. (Novick) VTC also retains a transition specialist, Lisa Fournier, who has worked with VTC for 15 years. Ms. Fournier is enrolled in a CAGS program in transition planning, and is also enrolled in a doctoral program in which the topic of her dissertation is transition planning. (Fournier)
20. In addition to Mr. Novick and Ms. Fournier, VTC employs a school principal (Mr. Dorrance), teachers and instructors, counselors and job coaches, and an autism consultant. There is an in-house hospitality program, entailing instruction and practice in baking, food service, and related skills (Novick) Additionally, the program works with community businesses and organizations to develop work experience placements for VTC students. (Bairos, Novick)
21. When Student entered VTC in September 2010, he enrolled in Construction Math, Baking and Pastry, Cabinet Making, and Physical Education. He also received instruction in daily living skills. This course selection was based on interests that Student expressed when he enrolled, as well as the school-wide policy of having students explore a variety of vocational options during their first year at VTC. (S-87, Dorrance)
22. During September and October 2010, VTC staff observed Student in a variety of settings to get a sense of his profile, needs and interests. (Dorrance) On October 21, 2010, the Team met to amend Student's IEP as had been anticipated the previous April. (Papile, S-58) On October 29, 2010, VTC issued an IEP covering the period from October 2010 to April 2011. This IEP incorporated the Parent's proposed vision statement verbatim. (S-58, S-64)
23. In addition to various accommodations, the IEP contained goals in Vocational/Hospitality (including kitchen and food hygiene and safety, fundamentals of food service, skills of courtesy and attentiveness), Lifeskills/ADLs (phone etiquette, clothing choice, use of washer/dryer), Speech/Language, (social cognition skills and semantic knowledge), Functional Academics (improving reading, writing, and higher-level math), Vocational/Tech skills (handling tools, measurement) and Counseling (focusing on coping strategies in social situations). (S-58, P-35)
24. The October 2010 IEP incorporated the TPF Action Plan that had been contained in the previously accepted IEP of April 2010. (S-58)
25. In a letter dated November 29, 2010, Parent stated that she generally was pleased with the proposal for Student, but partially rejected the IEP based on the absence of

certain items in the vision statement, student profile, PLEP and goals, as well as what may have been clerical errors. Parent also rejected the TPF, stating that it had not been developed through the Team process. (S-58)

26. Because Parent rejected the IEP goals, VTC could not implement them until May 2011, after the Parents and VTC had negotiated changes to the language in the IEP. Until then, VTC continued to work on goals from the previous IEP from Quincy. (S-58)
27. Meanwhile, between November 2010 and March 2011, in addition to his classroom instruction and involvement in the VTC Hospitality program, Student worked at a community job placement in a Big Lots warehouse, aided by a job coach and 1:1 aide (Bairos,). The job coach, Ms. Bairos, selected this site because she felt that it would be a good location to assess Student's foundational employment skills. (Bairos) Student worked at this site for approximately 2 hours at a time, one day per week, opening boxes with a box cutter and putting price tags on items. (Bairos)
28. Student's placement at Big Lots was guided by a Massachusetts Work-Based Learning Plan. This plan consisted of a standardized list of "Foundation Skills," comprising a detailed list of skills relevant to any workplace within the categories of "Work Ethic and Professionalism"⁶ and "Communication and Interpersonal Skills."⁷ The Plan also contains a list of "Workplace and Career-Specific Skills" which was tailored to the particular job placement. Each Foundation Skill and Workplace-Specific Skill had a corresponding detailed performance expectation, indicating criteria for determining whether the skill had been acquired. (S-96)
29. Student's job coach and 1:1 aide reviewed Student's performance in January 2011 and again in March 2011. At both reviews, Student's Foundational Skills fell mostly within the "Needs Development" range, with some skills in the "Competent" Range. He progressed from "Needs Development" to "Competent" in the areas of "Listening" and "Interacting with Others," and lost ground in "Speaking,"⁸ and "Accepting Direction and Constructive Criticism." (S-96)
30. Student's Workplace-Specific skill of "Speaking" remained at "Needs Development" in both January and March 2011 but "Pric[ing] merchandise supplies" improved from "competent" to the high end of "Proficient," and "Interacting with Customers or Clients" improved from "Needs Development" to "Competent." (S-96)
31. Meanwhile, VTC and Quincy made several attempts to schedule Team meetings to discuss the rejected portions of the November 29, 2010 IEP. A meeting was held on March 17, 2011. (S-52, 53, 55, Pattavina, Mother) At that meeting, the Team

⁶ Examples of the discrete skills in this category include "attendance and punctuality," "workplace appearance," and "understanding workplace culture policy, and safety." (S-96)

⁷ Examples include "speaking," "listening," and "interacting with co-workers."

⁸ The form indicated that Student had trouble with voice modulation; Parent has indicated that using a loud voice is a stress indicator for the Student and should not be treated as a behavior to be extinguished. (Parent)

considered the results of testing that had been done in prior months: a WRIOT (an occupational interest inventory) and a social and adaptive functioning report completed by VTC autism consultant Amy Laurent, as well as reports from staff working directly with Student and input from Parents. (Pattavina, Mother)

32. The resulting IEP, covering March 2011 to March 2012, contained essentially the same goals as the partially-rejected IEP from November 29, 2010 (Technical-Vocational Skills, Life Skills/ADL, Speech, Counseling, and Hospitality, and also added Adaptive Physical Education. (S-50) This IEP also incorporated many or most of Parents' proposed language in the Vision Statement and Student Profile. Parents accepted the proposed placement on March 18, 2011 and accepted the IEP in full on May 18, 2011. (S-50)
33. Although the IEP did not contain a community job placement in its service grid, Student began a second community job placement at a sign-making shop in Quincy in approximately October 2011. (Mother, Bairos) Parents hoped that this site would enable Student to learn and use some computer and design skills. For a variety of reasons, including Student's unwillingness to produce on the computer what the employer requested rather than what the Student preferred to produce, Student ended up doing different tasks on this job site, including peeling tape off of plastic signs, and some tasks related to creating Braille signs.
34. As with the prior placement, Student's job coach, employer and aide evaluated Student's performance in Foundational Skills as well as job-specific skills using the Massachusetts Work-Based Learning Plan. Student worked at the sign shop for two hours per week until June 2012, when the placement ended because a necessary machine broke down. The employer was unwilling to continue Student's placement in October 2012, after the machine was repaired, because of Student's difficulties in self-regulation. (Bairos)
35. Between October and November 2012, VTC attempted to locate another job placement for Student. Student remained at home during the two hours per week that had been occupied by his job placement; however, he could have spent that time in class at VTC. (Dorrance)
36. Eventually, a placement was identified at a local Council on Aging, which would have allowed Student to work on graphic arts and data entry. (Bairos) Parent and VTC discussed the specifics of the job and accommodations required. VTC created a book of visuals to support Student's adjustment to the new placement. (Gonsalves, S-152) By late December 2012, however, the organization withdrew its acceptance of Student because it could not make additional accommodations that Parents believed were necessary. (P-152, Dorrance, Gonsalves)
37. VTC, in collaboration with Parents, was unsuccessful in locating a successor job placement, despite many hours of attempts to do so. (Bairos)
38. On April 13, 2012, after a Team meeting, the School issued an IEP for Student covering the period March 2012 to March 2013. (S-39) The Parents partially

rejected this IEP. More specifically, the Parents accepted the services and placement, but rejected the end date of Student's 22nd birthday. In a written response to the IEP, Parents stated, in sum, that Student had not received transition services while attending North Quincy High School, and that he had not received—and would not be able to receive—sufficient keyboarding and graphic arts training to implement his vision statement and career goals. (S-39)

39. During November 2012, VTC's Transition Specialist conducted an "Initial Transition Assessment" for the purpose of developing transitional goals for his remaining period of eligibility. This assessment consisted of a summary and analysis of data gathered over the Student's year of attendance at VTC, including a review of the Student's records, informal data collection in various settings, the Transition Planning Inventory—Updated (TPI); Career Cruising Interest Inventory, and the Massachusetts Work Based Learning Plan. The Transition Plan summarized Student's experiences, strengths and weaknesses in multiple domains, including employment, self-care, independent living, and leisure skills. (S-16)
40. The Plan recommended that in light of Student's having only a short period of special education eligibility remaining, that Student and his family should begin visiting adult programs and develop a plan for moving into the adult service system, with VTC staff accompanying Student to his next program while he transitions. The Plan also recommended consideration of weaning Student from his 1:1 aide, since this service might not be available in an adult setting. (S-16)
41. On December 6, 2012, a facilitated Team meeting was held which resulted in an amended IEP, issued in January 2013, covering the period from December 2012 to April 2013. (S-12) This IEP updated the prior IEP to incorporate Parents' concerns and information from recent assessments as well as to adjust goals to emphasize computer training as well as socialization skills. (S-12) Parents rejected this IEP and did not address it during the hearing.
42. On December 21, 2013, VTC issued an Educational Assessment which comprised a detailed description of Students skills, strengths, and needs, particularly as applied to the school or work setting. (S-25)
43. Student turned 22 in April 2013, and completed his tenure at VTC at that time. Although MRC had at least initially accepted Student as a client, and a liaison had been assigned and had attended at least some meetings regarding Student, there is no specific information on the record on the specifics of Student's transition to that agency.

FINDINGS AND CONCLUSIONS

There is no dispute that during the period at issue in this case, Student was a school-aged child with a disability who was eligible for special education and related services pursuant to the IDEA, 20 USC Section 1400, *et seq.*, and the Massachusetts special education statute, G.L. c. 71B ("Chapter 766"). Student was entitled, therefore, to

a free appropriate public education (FAPE), that is, to a program and services that were tailored to his unique needs and potential, and designed to provide ‘effective results’ and ‘demonstrable improvement’ in the educational and personal skills identified as special needs.” 34 C.F.R. 300.300(3)(ii); North Reading School Committee v. BSEA, 480 F. Supp. 2d 489 (D. Mass. 2007); citing Lenn v. Portland School Committee, 998 F.2d 1083 (1st Cir. 1993).

While Student was not entitled to an educational program that maximizes his potential, he was entitled to one which is capable of providing not merely trivial benefit, but “meaningful” educational benefit. See Bd.of Education of the Hendrick Hudson Central School District v. Rowley, 458 US 176, 201 (1982), Town of Burlington v. Dept. of Education, 736 F.2d 773, 789 (1st Cir. 1984); D.B., et al v. Esposito, et al., 675 F.3d 26, 34 (1st Cir. 2012)

Whether educational benefit is “meaningful” must be determined in the context of a student’s potential to learn. Rowley, supra, at 202, Lessard v. Wilton Lyndeborough Cooperative School District, 518 F3d 18, 29 (1st Cir. 2008); D.B. v. Esposito, supra. In cases where a student’s potential to learn is difficult to determine because, for example, the student’s disability is complex and not fully understood, or the student has communication deficits or behaviors that interfere with his or her ability to express thoughts, it is still possible to “assess the likelihood that the IEP will confer a meaningful educational benefit by measurably advancing the child toward the goal of increased learning and independence.” D.B. v. Esposito, supra.

A major purpose of the IDEA is to “ensure that all children with disabilities have available to them a free and appropriate public education ...designed to meet their unique needs and prepare them for further education, employment and independent living. 20 USC Sec. 1400(d)(1)(A). Towards this end, school districts are required to provide transition planning and services to all students who are approaching adulthood, beginning at age 14 in Massachusetts. (See G.L. c. 71B, Sec. 2).

According to the IDEA:

The term “transition services” means a coordinated set of activities for a child with a disability that—

- (A) is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including post-secondary education, vocational education, integrated employment...continuing and adult education, adult services, independent living, or community participation;

- (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
- (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

20 USC Sec. 1401(34).

The corresponding federal regulations essentially track the words of the statute, and further state that “[t]ransition services...may be special education...or a related service...” These regulations go on to provide that “beginning not later than the first IEP to be in effect when the child is 16 (14, in Massachusetts), and updated annually thereafter, the IEP TEAM must include the following within each IEP: (aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments relating to training, education, employment, and, where appropriate, independent living skills.” 34 CFR Sec. 300.43 (a) – (bb).

In a due process proceeding to determine whether a school district has offered or provided FAPE to an eligible child, the burden of proof is on the party seeking relief. In the instant case, as the moving party challenging the School's provision of transition assessments and services, Parents bear this burden. That is, in order to prevail, Parents must prove, by a preponderance of the evidence, that the services provided by Quincy during the period in question—including especially transition services-- were not appropriate, i.e., were not reasonably calculated to provide Student with FAPE. Schaffer v. Weast, 546 U.S. 49, 44 IDELR 150 (2005).

After carefully reviewing the record, I conclude that the Parents have not met their burden. Rather, I find that the transition services provided by Quincy, including assessment, planning, and instruction, met the statutory standard.

The record reflects that transitional planning began in approximately December 2007 with the completion of the first TPF. At that time, Student was enrolled in North Quincy High School, in an inclusion setting, taking regular high school courses, pursuant to an accepted IEP. In approximately April 2010 the Parents determined, with the concurrence of School members of the Team, that while Student had flourished within the general education setting with support for many years, it was time to shift the focus of his education from academics to functional instruction that would begin to prepare Student for post-school adult life. The Team began a “coordinated set of activities” towards that goal, including searching for a placement for 2010-2011 forward that was capable of moving Student in the direction of employability and increased independence.

With the full support of Parents—who, in fact, had located this placement—Quincy placed Student at the VTC program, which is a well-established specialized

setting designed to assist young adults with disabilities through the transition process. The undisputed evidence in the record is that Dr. Novick, the Director and Ms. Fournier, the VTC transition specialist, have considerable knowledge and experience in planning and implementing transition services. They testified that they are familiar with the federal and state mandates for such services.

The uncontroverted evidence further demonstrates that consistent with the requirements of the law, the VTC did initial and ongoing assessments of Student's interests and needs, gathering data and making detailed reports regarding what Student was and was not able to do. Quincy (via VTC) provided Student with opportunities and instruction for developing foundational employability skills as well as job skills, and evaluated his performance and growth on the job. Student was exposed to several work settings (Big Lots, the sign shop, the school-based bakery), and was given some beginning vocational instruction (basic tool-handling, kitchen safety). Student also was provided with life skills instruction, and Parents stipulated that they were satisfied with that instruction.

The documents and testimony reveal that Student's instructors and providers developed a detailed understanding of Student's strengths and needs, made myriad efforts to adapt their instruction to fit what Student was and was not able to do, and to use a variety of approaches to remediate Student's skill deficits. Additionally, they created detailed, easy-to-follow documentation of what Student could and could not do (e.g. the Educational Assessment of December 2012) that could be readily used by the successor agency. Finally, there is no dispute that Parents and Quincy had a true partnership throughout Student's educational career, and that VTC became part of this team during Student's tenure there. It is clear from the documents and testimony of witnesses that both Quincy and VTC regarded Parents as indispensable and knowledgeable Team members, relied on them for information, strategies, and legwork, and incorporated many if not most of their suggestions for Student's programming.

Parents are dissatisfied with the amount and intensity of the computer instruction provided to the Student. They did not raise this issue until the issuance of the March 2012 – March 2013 IEP, and their concerns were addressed in the subsequent IEP, produced after the facilitated Team meeting of December 2012. Parents produced no evidence that the amount of computer training that Student had been receiving was inadequate, or led to a denial of FAPE.

Appropriate transition services are a component of FAPE. As such, they should be evaluated "in the aggregate and in light of the child's overall needs." Lessard v. Wilton Lyndeborough Cooperative School District, 518 F.3d 18, 30 (1st cir. 2008). The adequacy of the computer/graphic arts component of Student's transition services must be considered in the context of the broad array of services that he received, all of which were designed to support Student's transition to adult life, and the complexity of his needs, which required training, remediation, and accommodation in all domains. Viewed in this light, the transition services clearly were appropriate for the Student.

Finally, Parents were not satisfied with transition assessments; in particular they felt that the WRIOT was not a valid measure of Student's vocational interests, and that a psychological assessment administered by interns under the supervision of Dr. Amy Laurent, the autism specialist, should have been disregarded for a variety of reasons. Even if these two assessments were invalid or unreliable, however, they were far from the only transition assessments that the Student received. Student was assessed on an ongoing basis, using both formal and informal measures, throughout the period at issue. Parent has presented no evidence that these assessments, taken as a whole, were inappropriate or inadequate.

Based on the foregoing, the Parents have not demonstrated that the Quincy Public Schools deprived the Student of FAPE during the periods at issue, and Student, therefore, is not entitled to compensatory services as a result. There is no dispute that Student needed—and still needs-- to develop his skills in the areas of socialization, employability, self-care, self-advocacy, travel, money management, leisure and recreation so that he can function in the adult world with a reasonable amount of independence and productivity, notwithstanding his significant developmental disabilities. Quincy, however, itself and through VTC, has provided Student with virtually all of the elements listed in the statute and, importantly, has documented what it has done to smooth the transition to the next agency.

This conclusion is based on the facts and applicable law, but in no way is intended to diminish the Parents' tireless dedication to Student's full participation in family, school, and community life as well as their deep and realistic concern for his future. The Parents' expertise and commitment in advocating for Student while collaborating extensively, year after year, with both Quincy and VTC are extremely impressive. It is hoped that the next agency will be responsive to Student's needs and to Parents' advocacy, so that Student can further develop his many talents and take his place as an adult in the community.

ORDER

The Quincy Public Schools have not failed to provide the Student with FAPE during the period at issue, and are not responsible for compensatory services for the Student.

By the Hearing Officer:

Sara Berman

Date: June 28, 2013

